



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
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NEW YORK, NY 10007-1866

MAY 03 2007

Ms. Jenine Gallo
Chief, Environmental Investigation Section
Planning Division
USACE-New York District
26 Federal Plaza, Room 2136
New York, New York 10278-0090

Dear Ms. Gallo:

The Environmental Protection Agency (EPA) has reviewed the New York District U.S. Army Corps of Engineers (Corps) Draft Environmental Assessment (DEA) of the Effects of the NY/NJ Harbor Deepening Project on the Remedial Investigation/Feasibility Study of the Newark Bay Study Area (NBSA), dated April 6, 2007. The DEA provides an in depth analysis of the potential impacts of the New York and New Jersey Harbor Deepening Project on the EPA's Remedial Investigation and Feasibility Study being conducted in the Newark Bay Study Area. It was prepared by the Corps in response to Court actions subsequent to a lawsuit initiated by the Natural Resources Defense Council. The NBSA includes Newark Bay and portions of the Hackensack River, Arthur Kill and Kill Van Kull.

EPA's comments on the DEA are as follows:

1. In Section 1.1, in the first sentence of the last paragraph, delete the word "downstream."
2. In Section 1.2, in the third sentence of the second paragraph, revise the parentheses to "(as the extent of the Phase I of the RI/FS is delineated by EPA)."
3. In Table 1-1, the Tierra Solutions' document date needs to be changed to "Sep 2005" and the title needs to be changed to "RI Work Plan."
4. In Section 1.3.2, delete "Diamond Alkali Superfund Site, specifically focusing upon the" from the first sentence and revise the end of the sentence to "...the listed Diamond Alkali Superfund Site..."
5. In Section 1.3.2, revise the end of the second sentence as follows: "... (Tierra), on behalf of the Potentially Responsible Party (PRP), Occidental Chemical Corporation, with USEPA performing overall study oversight."

6. In Section 1.3.2, revise the last sentence by inserting “draft” before “work plan,” and after “June 2004,” insert “which was finalized in September 2005,” and insert “October” before “2005” at the end of the sentence.
7. In Section 2.2.5, Tierra Solutions, Inc. collected sediment cores from October – December 2005. Revise the fourth sentence in the first paragraph accordingly.
8. In Section 3, revise the third sentence in the fifth paragraph as follows: “...that the USEPA RI/FS field work was estimated to be completed by the winter of 2008 and the Record of Decision for the RI/FS was estimated to be issued by the winter of 2012” and insert this sentence immediately following: “Should more sampling phases than were anticipated at the time of the letter become necessary, these estimated timeframes could be extended.”
9. In Section 3, revise the last sentence in the fifth paragraph by replacing “at this time” with “by the winter of 2012.”
10. In Section 3.2.3, Alternative A, revise the beginning of the first sentence of the second paragraph as follows: “Tierra’s draft Phase II work plan and USEPA’s letter dated...”
11. In Section 3.2.3, Alternative B, insert a period at the end of the last sentence of the first paragraph.
12. In Section 3.2.4, revise the last sentence of the fifth paragraph as follows: “...2012 would mean that the HDP is under construction at the same time that USEPA is implementing any potential remedial action.”
13. In Table 3-5, delete “Pre-empts USEPA ROD” from the Disadvantages column.
14. In Section 3.2.4.1, delete the first sentence of the second paragraph and include the following instead: “To date, no ROD has been issued by USEPA for the NBSA.”
15. In Section 3.2.4.1, delete the Superfund process list in the third sentence of the second paragraph and include the following instead: “...Remedial Investigation, Feasibility Study (Alternatives Analysis), Proposed Plan, Public Comments, Record of Decision (Remedy Selection), Remedial Design, Remedial Action, and Operation and Maintenance...”
16. In Section 3.2.4.1, replace “scheduled for” with “estimated to be issued in” in the last sentence of the second paragraph.
17. In Section 4.2, revise the middle of the third sentence in the first paragraph as follows: “...to be collected within the original Phase I NBSA boundaries...”

18. In Section 4.2, replace “site” with “location” in the fourth sentence of the first paragraph.
19. On page 39, replace “Passaic River Superfund Site” with “Diamond Alkali Superfund Site” in the third line from the top of the page.
20. In Section 4.3.2.1, delete “USEPA” before “Remedial Investigation Workplan” and change the timeframe at the end of the sentence to “October – December, 2005” in the second sentence of the eighth paragraph.
21. In the #11 footnote, replace “USEPA” with “Tierra” in the first sentence.
22. In Section 4.3.2.6, delete “II” before “historical data” in the third sentence of the third paragraph.
23. In Section 4.3.2.7, change “sampled” to “samples” in the last sentence of the first paragraph.
24. In Section 7.1, add “ ’s ” after “Port Authority” in the bullet describing the Regional Air Team.
25. In Section 7.1, replace “NJDEP” with “NJDOT” in the second to last paragraph.
26. In Section 7.2, delete “the U.S. Coast Guard (USCG),” from the last sentence of the second paragraph.
27. In Section 7.2, delete the last sentence in the third paragraph and replace with the following: “The coordination team is supported on an as needed basis by additional agency scientists and engineers as well as consulting experts to address the project specific details of both the RI/FS and HDP.”
28. In Section 7.2.1, delete the extra period in the first sentence of the first paragraph.
29. In Section 7.2.1, delete the entire third paragraph.
30. In Section 8, page 95, delete the “ _ ” between “Deposition” and “of” in the title “Cumulative Deposition of Resuspended Sediments within each Geomorphic Area”
31. In Section 8, fix the conversions in the paragraph entitled “Navigation Channels” under the “Cumulative Deposition of Resuspended Sediments within each Geomorphic Area” (if 127mm equals 5.3 inches then 127.5mm can not equal 5 inches)

Thank you for the opportunity to comment on the DEA. If you have any questions, please call Lingard Knutson of my staff at (212) 637-3747.

Sincerely yours,

A handwritten signature in cursive script, reading "Grace Musumeci". The signature is written in dark ink and is positioned above the printed name.

Grace Musumeci, Chief
Environmental Review Section